

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONTE SUTTON,

Plaintiff,

v.

M. ALTAMIRANO, et al.,

Defendants.

No. 1:23-cv-01633-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS

(Doc. 13)

Plaintiff Donte Sutton is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On July 15, 2024, the assigned magistrate judge screened the first amended complaint and issued findings and recommendations, recommending that this action proceed on plaintiff's first amended complaint for deliberate indifference to medical care against defendant M. Altamirano, correctional officer, in violation of the Eighth Amendment for the incident on August 8, 2022. Doc. 13. The magistrate judge further recommended that all other claims and defendants be dismissed based on plaintiff's failure to state claims upon which relief may be granted. *Id.* The findings and recommendations were served on plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. *Id.* at 7. No objections have been filed, and the deadline to do so has passed.

In accordance with 28 U.S.C. § 636(b)(1), this court has conducted a de novo review of

1 this case. Having carefully reviewed the file, the court finds the findings and recommendations to
2 be supported by the record and by proper analysis.

3 Accordingly, IT IS HEREBY ORDERED as follows:

- 4 1. The findings and recommendations issued on July 15, 2024 (Doc. 13) are ADOPTED IN
5 FULL;
- 6 2. This action shall PROCEED on plaintiff's first amended complaint, filed July 8, 2024,
7 (Doc. 11), against defendant Altamirano for deliberate indifference to medical care in
8 violation of the Eighth Amendment for the incident on August 8, 2022;
- 9 3. All other claims and defendants are dismissed from this action for failure to state claims
10 upon which relief may be granted; and
- 11 4. This action is referred back to the Magistrate Judge for proceedings consistent with this
12 order.

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15 IT IS SO ORDERED.

16 Dated: August 26, 2024

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UNITED STATES DISTRICT JUDGE